

that she, my dear wife, Frances H. Moale, nor no person or persons for her, shall, by any means or ways whatever, sell, assign, or transfer, or by any means or ways, whatever, divest herself, or be divested of the said yearly sum of £500 aforesaid, or any part or parcel thereof." And then, after a provision that said sum of £500 should be paid to his wife, and to her alone, and a bequest to her of his carriage and horses, the will proceeds, "and I here declare, that this and the above legacies are given to my dear wife instead of her right of dower." And further, "I will and direct, that after my just debts are paid, and the legacies herein given and bequeathed to my dear wife, Frances Halton Moale, be first complied with." There is then a residuary clause, giving to John Moale, the brother of the testator, the rest and residue of his property, "after the above or foregoing will is complied with."

In a previous part of the will, the testator designated particular portions of his property, real and personal, which he directed to be sold for the purpose of defraying the expenses of his funeral, paying his debts and discharging the legacies thereafter mentioned, and he constituted his said wife, his brother John Moale, and Jeremiah T. Chase joint executors and executrix of his will.

Afterwards, in the month of January, in the year 1788, Frances H. Moale, the widow of the testator, intermarried with one David Harris, but prior to the marriage, she, and the said Harris, conveyed to one John McLure, the aforesaid legacy and annuity, in trust, for her sole and separate use, and upon the footing of this conveyance, McLure, the trustee, in February, 1789, filed his bill in the Court of Chancery, against John Moale and Jeremiah T. Chase, the acting executors of the testator, Richard Moale, alleging that his whole real and personal estate, after the payment of debts, was chargeable with the legacy and annuity, and praying that a decree might pass for the sale of so much of the real estate as may be necessary after the application of the personal estate for the payment of the balance due on the legacy, with interest, and for the punctual payment, yearly, of the said annuity, to the said Frances during her life.